



Town of Ponce Inlet

Town Council Regular Meeting Minutes

September 22, 2016

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1. **CALL TO ORDER:** Pursuant to proper notice, Mayor Smith called the meeting to order at 1:01 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

2. **PLEDGE OF ALLEGIANCE:** Mayor Smith led the Pledge of Allegiance.

3. **ROLL CALL:**

Town Council:

- Mayor Smith, Seat #1
- Councilmember Milano, Seat #2
- Vice-Mayor Hoss, Seat #3
- Councilmember Perrone, Seat #4
- Councilmember Paritsky, Seat #5

Staff Members Present:

- Mr. Baker, Senior Planner
- Ms. Cherbano, Deputy Clerk
- Chief Fabrizio, Police Chief
- Mr. Gunter, General Manager of Public Works
- Ms. Hugler, Administrative Assistant
- Ms. Hunt, Administrative Assistant
- Mr. Joulani, Director, Planning and Development
- Ms. McColl, Finance Manager
- Chief Scales, Fire Chief
- Ms. Witt, Town Manager
- Ms. Zengotita, Parks, Rec & Museum Educator

4. **ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** Ms. Witt asked to moved item 6-D, Green Mound Management Plan, from the Consent Agenda to item 13-A under New Business. *Council agreed.*

5. **PROCLAMATIONS, PRESENTATIONS, AND AWARDS:**

A. **Proclamation recognizing October 2016 as National Community Planning Month.** Mayor Smith read the proclamation declaring October as National Community Planning Month for 2016.

B. **Proclamation recognizing October 16th through 22nd, 2016 as Florida City Government Week.** Mayor Smith read the proclamation declaring October 16th through 22nd, 2016 as Florida City Government Week.

6. **CONSENT AGENDA:** Mayor Smith asked Council if there was any item Council would like to remove from the consent agenda or to discuss. Mayor Smith asked for Council comments – hearing none – closed Council comments. Mayor Smith asked for public comments – hearing none – closed public comments.

A. **Approval of the Town Council regular meeting minutes – August 18, 2016**

- 50 B. Approval of the Town Council special meeting minutes – September 12, 2016.
- 51 C. Approval of payment of legal bill in the amount of \$38,129 (\$29,490 of which is
52 related to the Pacetta Lawsuit) – dated September 7, 2016.
- 53 ~~D. Approval of the updated management plan, as required by the TIFT Lease for
54 the Green Mound State Archaeological Site. (Moved to item 13-A by Ms. Witt)~~
- 55 E. Approval of co-sponsorship of the *Lighthouse Loop Half-Marathon & 5K* event
56 scheduled for October 30, 2016.
- 57 F. Approval of co-sponsorship of the *Wings on the Wind* event scheduled for
58 November 5th, 2016.
- 59 G. Approval of co-sponsorship of *Shape-Up! Ponce Inlet* event scheduled for
60 November 5th, 12th, and 26th, 2016.
- 61 H. Approval of co-sponsorship of *Operation Changing Lives* event scheduled for
62 November 19th, 2016.
- 63 I. Approval of co-sponsorship of *Vettes at the Light* event scheduled for May 13th,
64 2017.
- 65 J. Authorization to declare old water meters as surplus equipment (no longer in
66 service).
- 67 K. Authorization to declare the variable message board as surplus equipment; no
68 longer functioning and not cost-effective to repair.

69 Councilmember Paritsky moved to approve the Consent Agenda as amended, seconded by
70 Vice-Mayor Hoss. The motion was APPROVED 5-0, by consensus.

71 **7. OLD/NEW BUSINESS ITEMS PREFERRED AT THE BEGINNING OF THE MEETING:**

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73 **A. Update on water system improvement project.** Ms. Witt provided a brief
74 synopsis of the project and noted that the original completion date was scheduled for May 17,
75 2016; Council approved a thirty day extension modifying the completion date to June 16, 2016.
76 The project is still not complete and penalties have been accruing since June 17, 2016. Ms. Witt
77 stated that the fees for inspection services have increased to \$13,600 for oversight of the
78 project and asked Council to authorize the change-order. Mr. Giannini, Quentin L. Hampton
79 Associates, Inc. reported that J.D. Weber has the majority of the pipes in the ground and there
80 are five major tie-ins remaining along Peninsula Drive; once complete, all water services will be
81 connected. He estimated project completion by mid-October and stated that both the contractor
82 and bond company have been notified that the project is behind, causing liquidated damages to
83 accrue. Mr. Giannini also stated that based on the additional time it is taking the contractor to
84 complete the work, they are estimating the inspection fees to cost an additional \$13,600 as
85 requested in the change-order. Councilmember Perrone expressed concerns of several large
86 open areas that pose a hazard to pedestrians. Mr. Giannini stated that the contractor has been
87 informed that they cannot leave openings that can create potential hazards when not secure
88 and if they do the Town can hire a contractor to back-fill the openings and then bill J.D. Weber.

89 He also stated that water meter connections must remain open until they are inspected by the
90 Health Department, but they are secured. Councilmember Paritsky asked if the contractor has
91 been "put on notice" in order to protect the Town in the event of an incident. Mr. Giannini stated
92 yes. Ms. Witt asked Mr. Gunter if any of the areas have been wrapped with protective fencing
93 for safety. Mr. Gunter stated that issues such as this are brought to the inspector's attention,
94 who notifies the contractor. He stated that the areas Council is currently talking about, have
95 been filled-in as of today. Mayor Smith asked why the sidewalk just north of the lighthouse
96 driveway has been open for so long. Mr. Gunter stated that the contractor is waiting until they
97 have other sections of concrete to be poured before bringing in a concrete truck and do them all
98 at once. Mayor Smith closed Council comments and asked for public comments – hearing none
99 – closed public comments. Councilmember Paritsky moved to approve the purchase order
100 augmentation of additional funds totaling \$13,600 for inspection fees; seconded by Vice-Mayor
101 Hoss. The motion was APPROVED, 5-0 by consensus.
102

103 **8. PUBLIC HEARINGS / QUASI-JUDICIAL: None**

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105 **9. PUBLIC HEARINGS / NON-QUASI-JUDICIAL MATTERS: None**

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107 **A. Second reading of Ordinance 2016-03, reducing the membership**
108 **requirement for the Code Enforcement Board from seven members to five members.**
109 Attorney Shepard read the Ordinance by title only. AN ORDINANCE OF THE TOWN OF
110 PONCE INLET, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES, CHAPTER 2,
111 ARTICLE V, DIVISION 2 BY CREATING SECTIONS 2-162 AND 2-163 RELATING TO THE
112 COMPOSITION AND TERMS OF THE CODE ENFORCEMENT BOARD; PROVIDING FOR
113 SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN
114 EFFECTIVE DATE. Mayor Smith asked for Council comments – hearing none – closed Council
115 comments. Mayor Smith asked for public comments – hearing none – closed public comments.
116 Vice Mayor Hoss moved to adopt Ordinance 2016-03 upon second reading, seconded by
117 Councilmember Paritsky. The motion was APPROVED 5-0, with the following vote: Vice-Mayor
118 Hoss – yes; Councilmember Paritsky – yes; councilmember Milano, Councilmember Perrone –
119 yes; and Mayor Smith – yes.
120

121 **10. CITIZENS' PARTICIPATION: None**

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123 **11. ORDINANCES (FIRST READING) AND RESOLUTIONS:**

124
125 **A. Resolution 2016-13, establishing / updating the Town's policy for capital**
126 **asset reporting.** Attorney Shepard read the Resolution by title only. A RESOLUTION OF THE
127 TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA, ESTABLISHING A POLICY FOR
128 CAPITAL ASSET REPORTING; PROVIDING FOR CONFLICTING RESOLUTIONS;
129 PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Ms. Witt
130 provided a brief synopsis of the proposed policy, noting that this comes with high
131 recommendations from the Government Finance Officers Association and the Town's Auditors.
132 Ms. Witt asked Ms. Mello, SEC Consulting, LLC, to explain the purpose of this policy. Ms. Mello
133 stated that this policy will allow the Town to accurately represent its net position, allow for actual
134 tracking of fixed assets, and allow for accurate reporting and depreciating of all assets over the
135 minimum threshold, including buildings, vehicles, equipment, and infrastructure. This policy also
136 allows the Council to raise the threshold from \$750 to \$5,000; which simplifies the
137 recordkeeping of things that are of minimal value. Mayor Smith asked for public comments –
138 hearing none – closed public comments. Councilmember Paritsky moved to approve Resolution
139 2016-13, establishing / updating the Town's policy for capital asset reporting, seconded by Vice-

140 Mayor Hoss. The motion was APPROVED 5-0, with the following vote: Councilmember Paritsky
141 – yes, Vice-Mayor Hoss – yes, Mayor Smith - yes, Councilmember – Milano - yes, and
142 Councilmember Perrone - yes.

143
144 **B. Resolution 2016-14, expressing support for the Volusia Governments Water**
145 **Compact.** Attorney Shepard read the Resolution by title only. A RESOLUTION OF THE TOWN
146 OF PONCE INLET, VOLUSIA COUNTY, FLORIDA, EXPRESSING SUPPORT FOR THE
147 VOLUSIA GOVERNMENTS WATER COMPACT; PROVIDING FOR CONFLICTING
148 RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
149 DATE. Ms. Witt explained that this item had been approved by Council at a prior meeting, but is
150 now being presented in the form of a resolution, as requested by the Volusia League of Cities.
151 Mayor Smith asked for Council comments – hearing none – closed Council comments. Mayor
152 Smith asked for public comments – hearing none – closed public comments. Councilmember
153 Paritsky moved to approve Resolution 2016-14, expressing support for the Volusia
154 Governments Water Compact; seconded by Vice-Mayor Hoss. The motion was APPROVED 5-
155 0, with the following vote: Councilmember Paritsky – yes, Vice-Mayor Hoss – yes, Mayor Smith
156 - yes, Councilmember – Perrone - yes, and Councilmember Milano - yes.

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158 **12. OLD BUSINESS: None.**

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160 **13. NEW BUSINESS:**

161
162 **A. Approval of the updated management plan, as required by the TIIFT Lease**
163 **for the Green Mound State Archaeological Site.** Ms. Witt noted that the “discussion boxes”
164 on certain items did not print-out in complete sentences and asked Ms. Zengotita to explain two
165 minor changes within the revised 2004 management plan. Ms. Zengotita stated that this report
166 is to provide an update/progress report to Florida Division of State Lands for review. She then
167 explained the two minor changes: on page 2, item #9 - the reference to the “old chain link fence”
168 has been removed; and on page 14 - the \$100,000 proposed in “Capital Improvements” has
169 been removed as there are no capital improvements proposed at this time. Mayor Smith asked
170 for public comments – hearing none – closed public comments. Councilmember Paritsky moved
171 to approve the updated Management Plan for the Green Mound Archaeological Site as
172 amended; seconded by Vice-Mayor Hoss. The motion was APPROVED 5-0, with the following
173 vote: Councilmember Paritsky – yes, Vice-Mayor Hoss – yes, Mayor Smith - yes,
174 Councilmember – Perrone - yes, and Councilmember Milano - yes.

175
176 **14. FROM THE TOWN COUNCIL:**

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178 **A. Councilmember Paritsky, Seat #5 –** Thanked staff and Ms. Zengotita for the
179 wonderful 9/11 ceremony; she also mentioned the moving speeches given by the Fire and
180 Police Chiefs during the ceremony.

181
182 **B. Councilmember Perrone, Seat #4 –** Spoke of the issues of all the detours in
183 Wilbur and concerns about the condition of the roadway. He notified the TPO, who notified the
184 County of his concerns.

185
186 **C. Vice-Mayor Hoss, Seat #3 –** Concurred with Councilmember Paritsky's
187 comments regarding the 9/11 ceremony and also thanked those from the public who attended.
188 She expressed the importance of remembering and celebrating that day.

190 **D. Councilmember Milano, Seat #2** – Stated that while in Italy, his tourist group
191 paused for a silent prayer in remembrance of 9/11 and many local residents came up to thank
192 them, proving that the world continues to remember. He thanked Council for approving his leave
193 of absence.

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195 **E. Mayor Smith, Seat #1** – None.

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197 **15. FROM THE TOWN MANAGER** – Stated she has been discussing with the City of Port
198 Orange the possibility of establishing a plan for sewer in the areas of Town that must still rely
199 upon septic. Port Orange is preparing a resolution that will be proposed to both cities for
200 agreement on this and they can expect to see that in the next few months. She confirmed that
201 Council had received their events and meeting calendar for next month; and reported that five
202 new benches have been installed at various bus stops.

203
204 **16. FROM THE TOWN ATTORNEY** – Attorney Shepard stated that he had nothing to
205 report.

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207 **17. ADJOURNMENT** - Mayor Smith adjourned the meeting at 1:47 p.m.

208
209 Respectfully submitted by:

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212 _____
212 Jeaneen Witt, CMC, Town Manager/Town Clerk

213 Kim Cherbano, CMC, Deputy Clerk

214 /ph